



FARMLAND REGISTRATION FACT SHEET FORM 1

Pursuant to M.R.S. Title 7, Chapter 2-B & Title 12, Chapter 6-A.

REGISTERING FARMLAND CAN PROTECT IT FROM FUTURE INCOMPATIBLE USE ON ABUTTING LANDS.

WHAT IS FARMLAND REGISTRATION?

In 1988, the Maine Legislature enacted *Title 7, Chapter 2-B: Registration of Farmland*, to protect public health, safety and welfare when commercial agriculture and the development or use of land adjacent to it, are incompatible. Amendments in 1989 authorized farmland owners to voluntarily enroll in 1990 & 1991. Recognizing the potential for increased conflict between farmers and neighbors, the 125th Legislature re-opened enrollment and enacted changes to improve the program.

HOW DOES FARMLAND REGISTRATION BENEFIT MAINE FARMS?

The program is voluntary. Under the amended law, any farmland owner electing to register farmland after July 1, 2012, is able to prohibit *Incompatible Use within 50 feet of registered farmland*. *Incompatible Use* means the construction of new wells, drinking water springs, or water supply intake points. For example, if a field of registered farmland is 20 feet from a property boundary line, the owner(s) abutting land will be prohibited from installing any new wells, drinking water springs or water supply intake points within 30 feet of that boundary line.

There is one-time opportunity for those farmland owners who registered land in 1990 or 1991 to renew the registration of eligible farmland by April 1, 2013, in order to prohibit *Inconsistent Development and Use within 100 feet of registered farmland*. *Inconsistent Development and Use* means installation of wells, drinking water springs, water supply intake points, new residences, campgrounds, restaurants, playgrounds, schools, commercial food establishments, etc.

Once the farmland registration application is certified by the Soil and Water Conservation District in the county where the farmland is located, and all required registration forms are recorded in the Registry of Deeds, and neighbors properly notified, the owners of abutting land must comply with the setback requirements. In addition, all future prospective buyers of abutting lands will learn that the property they're interested in purchasing is adjacent to a working farm.

All owners of registered farmlands are required to renew eligibility and certification requirements and record updated documents every 5 years. When registered farmland it is no longer producing farm products, owners must file documents at the registry to withdraw ineligible land from the program.



ELIGIBILITY

- **Eligible farmland** consists of tracts of land of 5 or more contiguous acres, which produce a gross annual income of at least \$2,000 per year from the sale value of farm products in 1 of 2, or 3 of 5, calendar years (every other year) preceding the date of application for registration.
- **Farm products** are plants and animals useful to humans, including fruits, berries, vegetables, dairy products, livestock and livestock products, poultry and poultry products, grains, forages, flowers, seeds, grasses, bees, Christmas trees and other similar products.
- Eligible farmland **does NOT include** land used for woodlots, homes, farm buildings, roads, lawns or any area covered with non-crop vegetation.
- Farmland owners bear the full burden of proof when there is a question about the farmland's eligibility and must notify abutting landowners before and after registering farmland.
- **Abutting Land** is real estate that shares a common boundary, or portion of a boundary, with registered farmland.



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AFFECTS ON ABUTTING LAND

Abutting Land is real estate that shares a common boundary, or portion of a boundary, with registered farmland. Except in the case of the variance described below, a municipality may NOT issue a building or use permit allowing any prohibited development or use of land abutting registered farmland.

If farmland is registered after July 1, 2012, the owners of abutting land are prohibited from initiating any new *Incompatible Use*. The law defines *Incompatible Use* as any well, drinking water spring, or water supply intake point that is within 50 feet of the registered farmland.

If farmland was registered in 1990 or 1991, and registration is renewed by April 1, 2013, and continuously and properly renewed thereafter, the owners of abutting land are prohibited from initiating any *Inconsistent Development or Use* within 100 feet of the registered farmland. The law identifies *Inconsistent Development or Use* as the following:

- A. Residential buildings;
- B. Public and private wells, drinking water springs and water supply intake points;
- C. School buildings, playgrounds, athletic fields or other school facilities designed for use by children in the vicinity of school buildings;
- D. Commercial establishments dispensing or selling food; and
- E. Public and commercial campgrounds and picnic areas.

Inconsistent Development or Use does **NOT** include:

- The expansion of an existing use, provided that when that use includes a building, the expansion does not increase the total structural footprint by more than 100%, and the expansion is no closer to the registered farmland than is the existing building; or
- The replacement or reconstruction of an existing building or structure which is damaged or destroyed by fire or other casualty, and replaced or reconstructed within 2 years of such damage or destruction.

A Challenge to the Eligibility of Farmland

Upon written notice to the Maine Department of Agriculture, Conservation and Forestry, a municipality or an owner of abutting land may initiate proceedings with the municipal board of appeals representing the municipality in which the farmland is located to:

1. Determine the eligibility of farmland proposed for registration; and/or
2. Determine the continuing eligibility of registered farmland.

A decision made by a municipal body may be appealed to the Superior Court. The Department is required to provide technical assistance in connection with any determination municipal body might make under this law. If the Department or a municipality finds that farmland is not eligible for registration, the Department or municipality shall order the farmland landowner to file for withdrawal from the program.

Variance

Owners of abutting land may apply to the municipal body hearing zoning appeals, or when applicable, the Maine Land Use Planning Commission, for a variance permitting an *Inconsistent Development or Use* or an *Incompatible Use* that is otherwise prohibited. Such a variance may be issued if adherence to the law renders a parcel of land unusable for residential purposes.



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Exempted Abutting Land

- Land adjacent to farmland registered in 1990 or 1991, and renewed before April 1, 2013, together with any adjoining lot or parcel in the same ownership that was one acre or less as of January 1, 1988.
- Land adjacent to farmland registered on or after July 1, 2012, together with any adjoining lot or parcel in the same ownership that was one acre or less as of January 1, 2012.
- Those subdivisions for which a completed application pursuant to Title 30, has been filed or approved in the 2 years PRECEDING the registration of the adjacent farmland.
- A lot on which inconsistent development or incompatible use has been allowed by permit granted by a state or local government in the 2 years preceding registration.



Frequently Asked Questions

Q: May I register all of my land?

A: No, only the land that is producing farm products and generating \$2,000 gross annual income is considered *Eligible Farmland*. Eligible farmland does NOT include land used for woodlots, homes, farm buildings, roads, lawns or any area covered with non-crop vegetation.

Q: Why are there two setback distances?

A: The Legislature re-opened enrollment as of July 1, 2012, to authorize previously unregistered farms to register and prohibit *Inconsistent Use within 50' of their farmland*, AND, it authorized only the owners of farmland registered in 1990 & 1991, to renew registration by April 1, 2013, if they want to retain the prohibition on *Incompatible Development and Use within 100'*.

Q: I have three fields in one tax parcel that are producing *farm products*, may I register all of the land in that tax parcel?

A: No, not unless all of land around these fields is also producing *Farm Products*, for example three corn fields surrounded by hay or pasture land. Only those areas that are producing *Farm Products* are eligible farmland. Measure out 50' or 100' from the field edge to find the correct setback line.

Q: The field edge of my newly registered farmland is 10' from my property line and therefore affects a 40' wide swathe of my neighbor's land along that property line. What may my neighbor do and not do?

A: Since you registered after July 1, 2012, your neighbor may build a residence, garage, barn, or shed and maintain gardens, a lawn, swimming pools, etc. However, your neighbor may NOT install new wells, drinking water springs, or water supply intake points. These uses are now prohibited as an *Incompatible Use* in that 40' wide swathe.

Q: All of the eligible farmland on my farm is 50' from the property boundary line, so how does this law benefit me?

A: While a restriction on use will not affect the lands that abut your commercial agricultural fields, the law does still guarantee that the potential buyers of land abutting registered farmland will be alerted of its adjacency to commercial farmland, so it may help you guard against future conflicts with new neighbors.



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Registration Procedure

Go to <http://www.maine.gov/acf/>

Click on the **Farmland Registration** tab at the bottom of the screen. Download & read all FARMLAND REGISTRATION FORMS 1 thru 6. Or, call (207) 287-3491 or (207) 287-7520 to request that the Department send these forms to you.

Step 1

If you are registering farmland for the first time, complete the FARMLAND REGISTRATION APPLICATION **FORM 2A**. If you are renewing registration of farmland that was registered in 1990 or 1991, complete the FARMLAND REGISTRATION RENEWAL **FORM 2B**. You can obtain the tax parcel and contact information from your town office. Attach the required tax map and sign the completed form in the presence of a Notary Public. Have the Notary sign and stamp your FORM.

Step 2

Submit your signed and notarized **FORM 2A** or **FORM 2B** and the required map to the Soil & Water Conservation District in the county where your farmland is located. By law, the District may request additional information from you before making its determination on the eligibility of the farmland.

Step 3

If the Soil & Water Conservation District finds that the information you provided on **FORM 2A** or **FORM 2B** conforms with the farmland eligibility criteria, then the District will vote to grant certification and sign the FARMLAND REGISTRATION CERTIFICATION **FORM 3**.

Step 4

Fifteen (15) days before you record **FORM 2A** or **FORM 2B** and **FORM 3** at the Registry of Deeds, you must send the NOTICE OF INTENT TO REGISTER **FORM 4A**, or the NOTICE OF INTENT TO RENEW REGISTRATION **FORM 4B**, to the owners of abutting lands. This must be sent via certified, return-receipt mail. If an abutting landowner questions the eligibility of the farmland, they must contact a municipal officer or the municipal board of appeals within fifteen (15) days.

Step 5

No less than fifteen (15) days after notifying your abutters, you must record **FORM 2A** or **2B** and **FORM 3** at the Registry of Deeds in the county or counties where your farmland is located and in the county or counties where abutting land is located. When you record, the Registry will stamp the Book/Page reference on your FORMS and index that record to the first and last names of all farm and abutting landowners. This will take one week. For a fee you may request a copy of the recorded document or wait for the Registry to mail the documents back to you.

Step 6

Within two (2) days of recording, you must send a NOTICE OF REGISTRATION **FORM 5A**, or NOTICE OF RENEWAL **FORM 5B**, to the owners of abutting land. Send this NOTICE via certified, return-receipt mail. If an abutting landowner questions the eligibility of your farmland, then they must contact a municipal officer or the municipal board of appeals within fifteen (15) days.

Step 7

Mail copies of **recorded FORMS 2A** or **2B** and **3**, and copies of **4A** or **4B** and **5A** or **5B** to the Maine Department of Agriculture, Conservation and Forestry, c/o Farmland Registration, 28 State House Station, Augusta, ME, 04333-0028

Step 8

To sustain protection under the law, you must renew the registration of your eligible farmland - by completing **Steps 2 through 7** - every 5 years. If you cease to produce *farm products* on all or part of your registered farmland, then you must complete and record the FARMLAND REGISTRATION WITHDRAWAL **FORM 6**.

For more Answers to your Questions

Whether you're the owner of farmland or you're the owner of abutting land adjacent to proposed or existing registered farmland, please contact the Maine Department of Agriculture, Conservation and Forestry to have your questions answered.

Call: (207) 287-3491 or (207) 287-7520

Email: Stephanie.Gilbert@maine.gov



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Maine's Soil & Water Conservation Districts (SWCD) Offices

Androscoggin Valley SWCD

(Androscoggin & Sagadahoc Counties)
254 Goddard Road
Lewiston, ME 04240
Tel. 207-753-9400 ext. 3 Fax: 207-783-4101

Central Aroostook SWCD

735 Main Street, Suite 3
Presque Isle, ME 04769
Tel. 207-764-4153 Fax: 207-768-3407

Cumberland County SWCD

35 Main Street, Suite 2
Windham, ME 04062
Tel. 207-892-4700 Fax: 207-892-4773

Franklin County SWCD

107 Park Street
Farmington, ME 04938
Tel. 207-778-4279 Fax: 207-778-5785

Hancock County SWCD

194 Main Street, Suite 202
Ellsworth, ME 04605
Tel. 207-667-8663
Fax: 207-667-3585

Kennebec County SWCD

21 Enterprise Drive, Suite #1
Augusta, ME 04330
Tel. 207-622-7847 ext. 3 Fax: 207-626-8196

Knox-Lincoln SWCD

(Knox and Lincoln Counties)
893 West St, Suite 103
Rockport ME 04856
Tel. 207-596-2040

Oxford County SWCD

17 Olson Road, Suite 3
South Paris, ME 04281
Tel. 207-743-5789 ext. 3 or 207-743-6115
Fax: 207-743-6256

Penobscot County SWCD

1423 Broadway, Suite 2
Bangor, ME 04401
Tel. 207-990-3676 ext. 3 Fax: 207-942-1782

Piscataquis County SWCD

42 Engdahl Drive
Dover-Foxcroft, ME 04426
Tel. 207-564-2321 ext. 3 Fax: 207-564-2570

St. John Valley SWCD

139 Market Street, Suite 106
Fort Kent, ME 04743
Tel. 207-834-3311 ext. 3 Fax: 207-834-6435

Somerset County SWCD

12 High Street
Skowhegan, ME 04976
Tel. 207-474-8324 ext. 3 Fax: 207-474-0638

Southern Aroostook SWCD

304 North Street
Houlton, ME 04730
Tel. 207-532-9407 ext. 3 Fax: 207-532-4379

Waldo County SWCD

266 Waterville Road
Belfast, ME 04915-9630
Tel. 207-338-1964 ext. 3 Fax: 207-338-4972

Washington County SWCD

P.O. Box 121
8 M&M Place, Suite 5B
Machias, ME 04654-0121
Tel. 207-255-4659/3995 Fax: 207-255-0936

York County SWCD

21 Bradeen Street, Suite 104
Springvale, ME 04083
Tel. 207-324-0888 ext. 214 Fax: 207-324-4822



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Directory to Registries of Deeds

Androscoggin County

2 Turner Street Unit 3
Auburn ME 04210-5978
Tel. 207-782-0191 Hours: 8-5

Aroostook County-North

22 Hall Street Suite 201
PO Box 47
Fort Kent ME 04743-0047
Tel. 207-834-3925 Hours: 8-4:30

Aroostook County-South

26 Court Street Suite 102
Houlton ME 04730
Tel. 207-532-1500 Hours: 8-4:30

Cumberland County

142 Federal Street
PO Box 7230
Portland ME 04112-7230
Tel. 207-871-8389 Hours: 8-4:30

Franklin County

140 Main Street Suite 5
Farmington ME 04938-1818
Tel. 207-778-5889 Hours: 8:30-4

Hancock County

50 State Street Suite 9
Ellsworth ME 04605-1926
Tel. 207-667-8353 Hours: 8:30-4

Kennebec County

1 Weston Court
PO Box 1053
Augusta ME 04332-1053
Tel. 207-622-0431 Hours: 8-4

Knox County

62 Union Street
Rockland ME 04841
Tel. 207-594-0422 Hours: 8-4

Lincoln County

32 High Street
PO Box 249
Wiscasset ME 04578
Tel. 207-882-7431 Hours: 8-4

Oxford County-East

26 Western Ave
PO Box 179
South Paris ME 04261
Tel. 207-743-6211 Hours: 8-4

Oxford County-West

38 Portland Street
Fryeburg ME 04037
Tel. 207-935-2565 Hours: 9-4

Penobscot County

97 Hammond Street
PO Box 2070
Bangor ME 04402-2070
Tel. 207-942-8797 Hours: 8-4:30

Piscataquis County

159 E Main Street
Dover-Foxcroft ME 04426
Tel. 207-564-2411 Hours: 8:30-4

Sagadahoc County

752 High Street
Bath ME 04530
Tel. 207-443-8214 Hours: 8:30-4:30

Somerset County

PO Box 248
Skowhegan ME 04976
Tel. 207-474-3421 Hours: 8:30-4:30

Waldo County

PO Box D
Belfast ME 04915
Tel. 207-338-1710 Hours: 8-4

Washington County

PO Box 297
Machias ME 04654
Tel. 207-255-6512 Hours: 8-4

York County

45 Kennebunk Rd
Alfred ME 04002
Tel. 207-324-1576 Hours: 8:30-4:30